

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

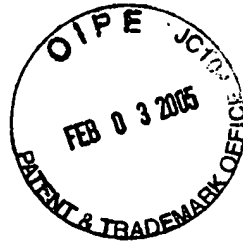
In re the Application of:

Koichi Nishimura et al

Serial No.: 09/869,335

Filed: December 30, 2001

For: CROSSLINKABLE RUBBER COMPOSITION



Group Art Unit: 1711

Examiner: Irina Sophia Zemel

PTO Confirmation No. 5697

REQUEST FOR RECONSIDERATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Date: February 3, 2005

Sir:

Reconsideration of the rejection contained in the Office Action dated September 3, 2004, in the above-identified application in view of the following detailed comments is respectfully requested.

In the Office Action, claims 1-11 were rejected under the judicially created doctrine of obviousness type double patenting over U.S. Patent No. 6,699,936 to Nishimura et al in view of the Polymer Technology Dictionary and U.S. Patent No. 6,500,884 to Tsujimura et al. In making this rejection, it was asserted that, although the claims of the subject application and the patent are not identical, they are obvious over the other and thus are not patentably distinct. Reconsideration of this rejection in view of the following comments and attached Terminal Disclaimer is respectfully requested.

Serial No. 09/869,335
OA dated 9/3/04
Request dated 2/3/05

Enclosed herewith is a Terminal Disclaimer of the subject application relative to U.S. Patent No. 6,699,936 to Nishimura et al. It is therefore submitted that the subject rejection has been overcome. Accordingly, withdrawal of the rejection under the doctrine of obviousness type double patenting and allowance of claims 1 through 11 over the cited publications are respectfully requested.

Applicants acknowledge with appreciation the indication contained in the Office Action that claims 1-11 are allowable over the art of record.

Additionally, it was mentioned that the submission of the International Search Report (ISR) as was done in the subject application is not a proper Information Disclosure Statement and, unless listed on the PTO Form 892, the references cited therein have not been considered. It was noted that the ISR and references were provided to the Office, but they were not listed on form PTO-892. Accompanying this response is an Information Disclosure Statement listing the references from the ISR.

In view of the foregoing, it is submitted that the subject application is now in condition for allowance and early notice to that effect is earnestly solicited.

In the event this paper is not timely filed, the undersigned hereby petitions for an appropriate extension of time. The fee for this extension may be charged to Deposit

Serial No. 09/869,335
OA dated 9/3/04
Request dated 2/3/05

Account No. 01-2340, along with any other additional fees which may be required with respect to this paper.

Respectfully submitted,

ARMSTRONG, KRATZ, QUINTOS, HANSON & BROOKS, LLP



Donald W. Hanson
Attorney for Applicants
Reg. No. 27,133

Atty. Docket No. 010931
Suite 1000, 1725 K Street, N.W.
Washington, D.C. 20006
(202) 659-2930
DWH/nk



23850

PATENT TRADEMARK OFFICE

Enclosures: Terminal Disclaimer